U.S. ARMY CORPS OF ENGINEERS

JACKSONVILLE DISTRICT

ENVIRONMENTAL ASSESSMENT

FOR

Dredged Material Management Area BV-52

City of Palm Bay

BREVARD COUNTY, FLORIDA

Prepared by:
U. S. Army Corps of Engineers
Jacksonville District

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

FINDING OF NO SIGNIFICANT IMPACT

FOR THE CONSTRUCTION OF BV-52 DREDGED MATERIAL MANAGEMENT AREA ALONG THE INTRACOASTAL WATERWAY

BREVARD COUNTY, FLORIDA

This Finding incorporates by reference all discussions and conclusions contained in the Environmental Assessment and more recent project information (conservation easement document and habitat management action plan) enclosed hereto. Based on the information analyzed, reflecting pertinent comments obtained from other agencies and special interest groups having jurisdiction by law and/or special expertise, I conclude that the proposed action will not significantly impact the quality of the human environment and will not require an Environmental Impact Statement. Reasons for this conclusion are in summary:

1. The work will be conducted in accordance with the Biological Opinion issued by the U.S. Fish and Wildlife Service for impacts to the Florida scrub-jay.

2. The proposed project has been determined to be consistent with the Florida Coastal Zone Management Program.

3. Measures to eliminate, reduce, or avoid potential effects to fish and wildlife resources will be implemented during project construction.

4. Unavoidable effects to gopher tortoises will be offset through the preservation of lands specifically set aside for this species by the local sponsor. A conservation easement was established on 20 acres of gopher tortoise habitat in order to satisfy the conditions of the incidental take permit. The property within the conservation easement will be actively managed for gopher tortoises and Florida scrub-jays.

5. In coordination with the State Historic Preservation Officer, it was determined there would be no impacts on sites of cultural or historical significance.

6. The public will benefit from the maintenance of the Intracoastal Waterway navigation channel and the concomitant local economic stimulus it provides.

In consideration of the information summarized, I find that the proposed action will not significantly affect the human environment and does not require an Environmental Impact Statement.

19 SEP 00
Date

James G. May
Colonel, U.S. Army
~~District~~ Engineer

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APPENDICES

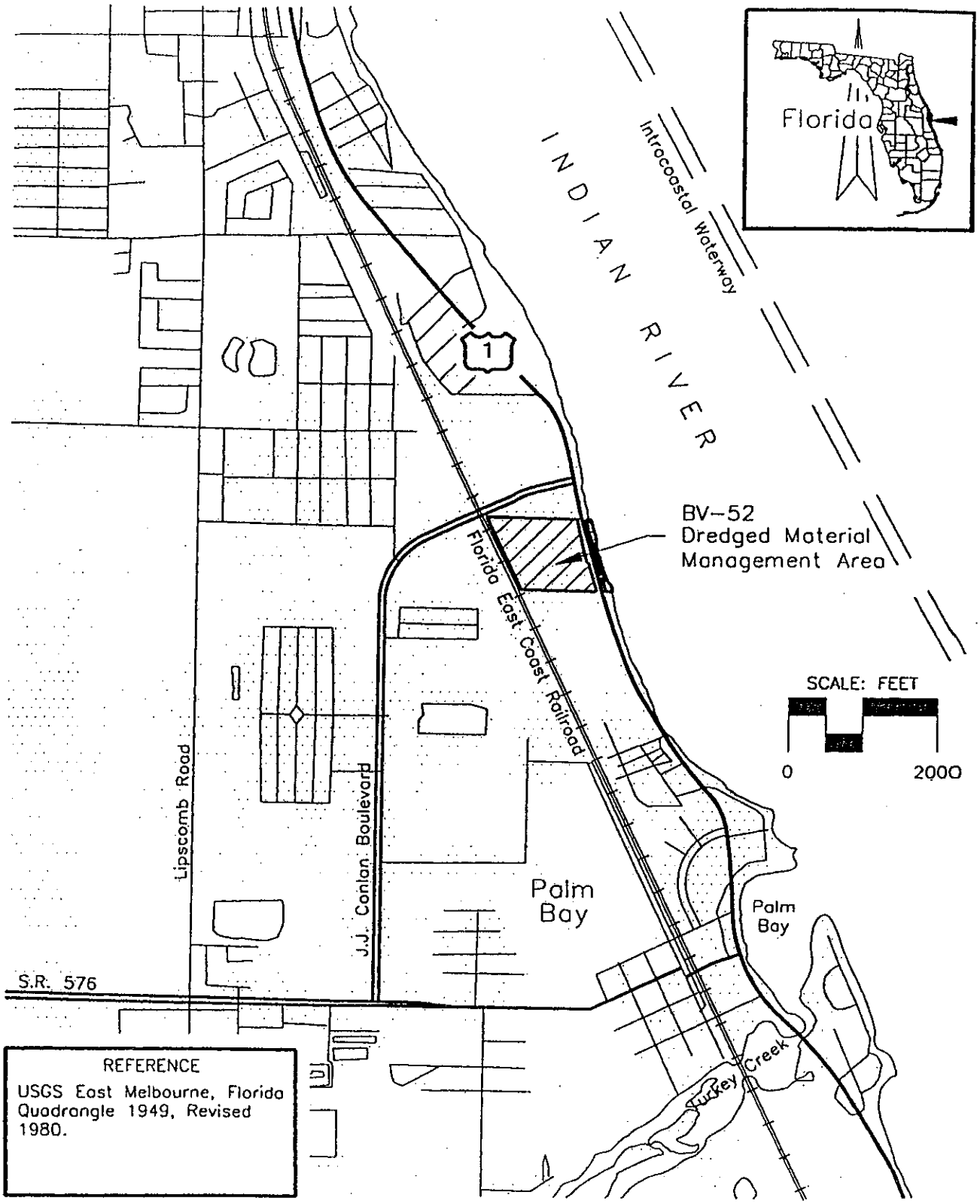
1.00 PURPOSE AND NEED FOR ACTION

1.1 Introduction - Project Description. The proposed project consists of constructing a Dredged Material Management Area (DMMA), designated as BV-52, in the City of Palm Bay, Brevard County, Florida (see attached figures). The completed site would accommodate the disposal of maintenance dredged material from the southern section of Reach V of the Intracoastal Waterway (IWW). Site construction would be done in 2 phases. Phase I would consist of site clearing and grubbing; phase II, of disposal area and dike construction. Subsequent site appearance would incorporate buffer zones of undisturbed native vegetation between cleared areas and the site's outer property boundaries. This would ensure that the aesthetics of construction and future DMMA use would not disturb the aesthetics of the area. A 10-foot wide area along the outer perimeter of the property would also be cleared and grubbed to permit construction and maintenance of security fencing.

1.2 The Need for and Purpose of the Project. The project's purpose is the creation of an upland disposal area to accommodate maintenance dredged material from the IWW over the next 50 years. As demand for residential and commercial property along the waterway increases, the availability of sites suitable to accept disposal materials dredged from the IWW decrease. Furthermore, as existing disposal areas reach capacity it is essential that long-term DMMAs be established and prepared now to meet the future navigation channel maintenance needs.

1.3 Authority. Spanning nearly the length of Florida from Jacksonville to Miami, an 8 x 75 ft IWW channel was authorized January 21, 1927, by House Document 586, 69th Congress, 2nd Session. The present channel configuration (12 x 125 ft) was authorized by House Document 740, 79th Congress, 2nd Session. The U.S. Army Corps of Engineers (Corps) is responsible for maintenance of the channel and the Florida Inland Navigation District (FIND) serves as the local sponsor and is responsible for providing and maintaining dredge material disposal sites.

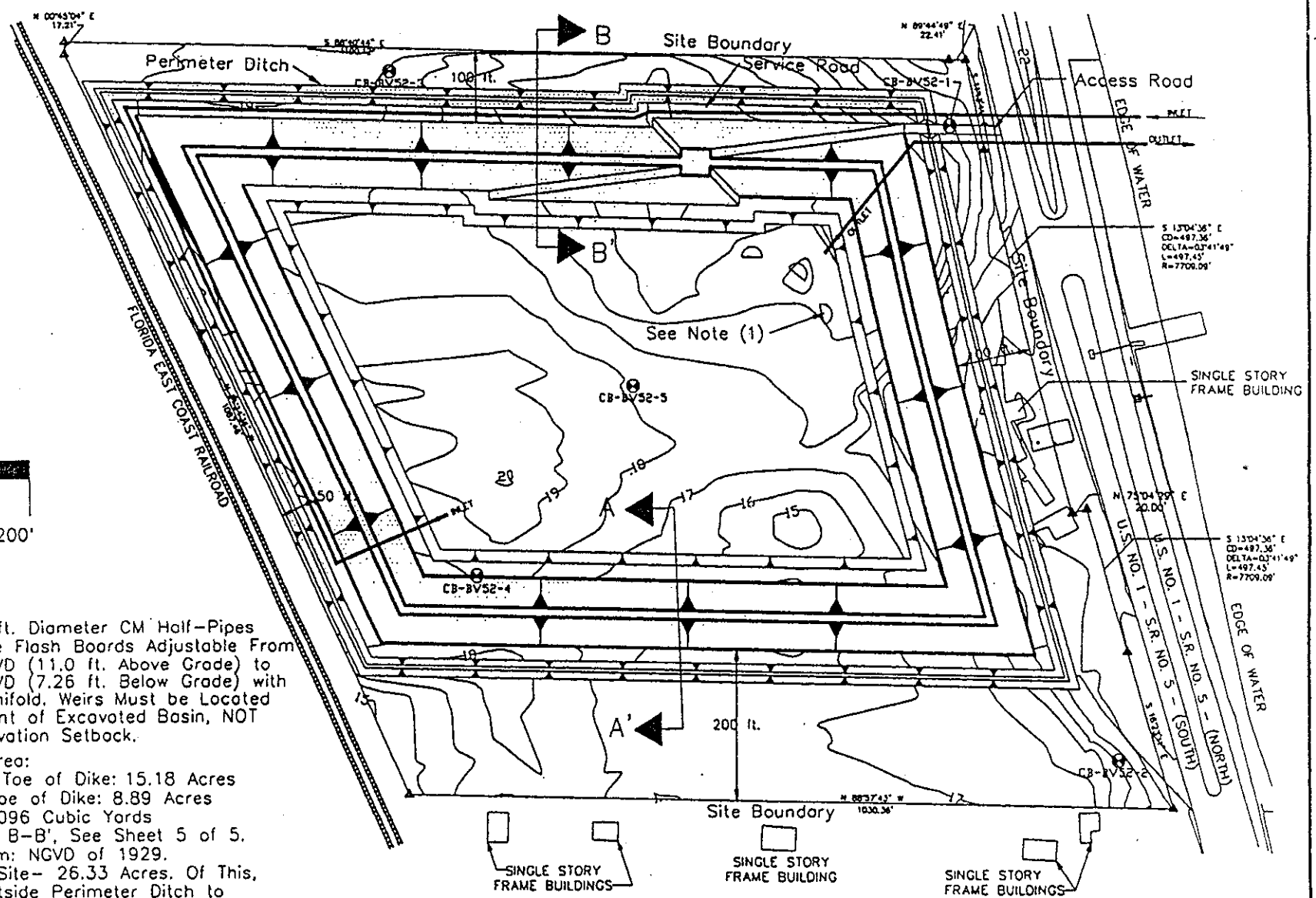
1.4 Decision to be Made. The decision to be made is whether the Corps is to accept or reject the site selected by the FIND for the construction of BV-52. Also, if this site is selected, how the construction should be done in order to comply with federal environmental regulations.



TAYLOR ENGINEERING INC.
9086 CYPRESS GREEN DRIVE
JACKSONVILLE, FLORIDA 32256

Location of
Dredged Material Management Area
BV-52
Brevard County, Florida

PROJECT C-9004
REVISION
DATE April, 1994



Notes:

1. Weirs: Three 8ft. Diameter CM Half-Pipes With Removable Flash Boards Adjustable From +28.90 ft. NGVD (11.0 ft. Above Grade) to +10.64 ft. NGVD (7.26 ft. Below Grade) with Connecting Manifold. Weirs Must be Located at Deepest Point of Excavated Basin, NOT on 20-ft Excavation Setback.
2. Containment Area:
   Within Outside Toe of Dike: 15.18 Acres
   Within Inside Toe of Dike: 8.89 Acres
   Capacity: 216,096 Cubic Yards
3. Sections A-A', B-B', See Sheet 5 of 5.
4. Elevation Datum: NGVD of 1929.
5. Total Area of Site- 26.33 Acres. Of This, 7.44 Acres Outside Perimeter Ditch to Remain as Undisturbed Buffer.
6. Perimeter Ditch/Service Road, See Sheet 5 of 5.
7. ⊖ Indicates Core Boring Location.

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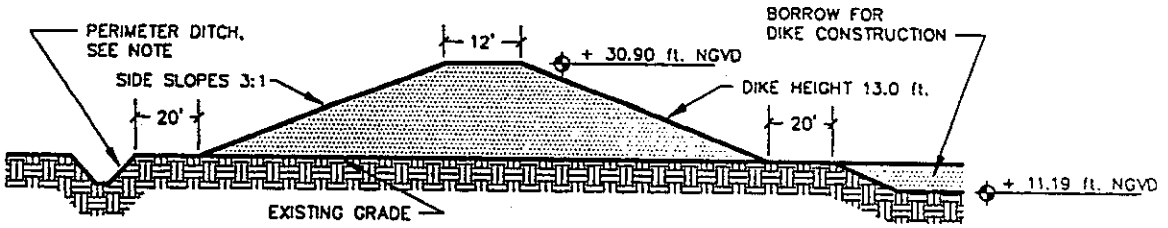
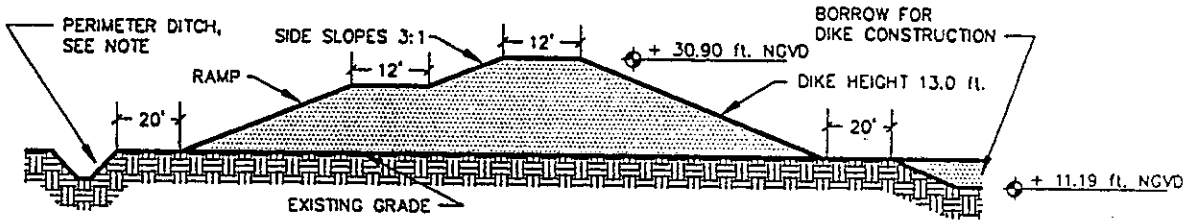
Site Plan, BV-52
Dredged Material Management Area

PROJECT C-9004

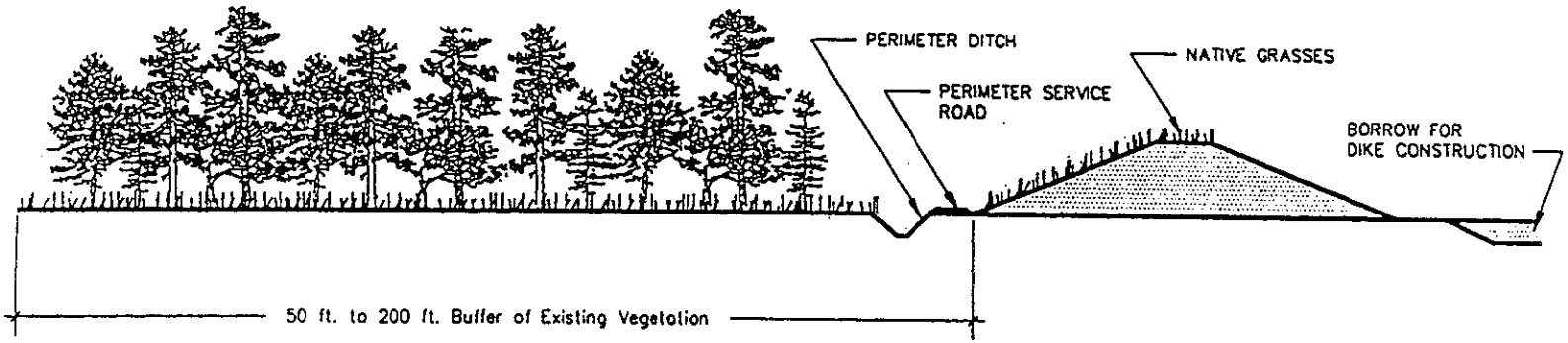


SECTION A--A'
N.T.S.

NOTE
PERIMETER DITCH:
SIDE SLOPE 1:1
BOTTOM WIDTH 3 ft.
MEAN INVERT ELEV. 00.00 ft. NGVD
BOTTOM SLOPE AS REQUIRED FOR DRAINAGE



SECTION B-B'
N.T.S.



DREDGED MATERIAL MANAGEMENT AREA - VEGETATION PLAN
N.T.S.

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Typical Dike, Ramp Sections and Vegetation Plan
Site BV-52, Dredged Material Management Area
Brevard County, Florida

C-9005
DRAWN BY
DATE April, 1994

1.5 Relevant Issues.

a. Surface Water Quality
b. Groundwater Quality
c. Physical and Environmental Site Effects
d. Safety
e. Navigation
f. Florida Species of Special Concern
g. Federally Threatened & Endangered Species

1.6 Permits Required. The construction of a dredged material management area will require that all site work comply with provisions of the National Pollutant Discharge Elimination System (NPDES) general permit relative to stormwater discharges associated with construction sites in accordance with the Clean Water Act of 1977, as amended (33 U.S.C. 1251 et seq.). Subsequent to site clearing and grubbing and prior to disposal of dredged material and the release of the overflow discharge to State Waters, a Water Quality Certificate will be obtained.

1.7 Methodology. In 1986, the FIND initiated a long-term dredged material management program to provide a permanent infrastructure of management facilities for all maintenance material dredged from the IWW. In support of this program, Taylor Engineering, Inc., under contract to the FIND, has prepared dredged material management plans for the IWW on a county-by-county basis. The management program for each county includes a systematic plan comprising the following elements:

- Review of all available dredging records, channel surveys, existing FIND dredged material easements, and pertinent sediment data;
- Establishment of operational channel reaches and corresponding 50-yr maintenance dredging and material storage/management requirements;
- Determination of operational reach deficits in existing material storage capacity;
- Evaluation of dredged material management alternatives and definition of the dredged material management concept most appropriate for each reach;
- Identification, where appropriate, of candidate upland sites for evaluation as dredged material management areas;
- Evaluation of suitable existing easements and candidate sites for development as dredged material management areas using a standard set of engineering, environmental, and socio-economic

criteria; and

- Establishment of a site bank of primary (first choice) and secondary (second-choice) dredged material management alternatives for each reach.

The Brevard County plan is described in the *Long-Range Dredged Material Plan for the Intracoastal Waterway in Brevard County, Florida I* (Taylor and McFetridge 1989) and in several addendum's. The plan was prepared by an interdisciplinary team of engineers and environmental scientists using the systematic process outlined above. The evaluation of alternatives described in Taylor and McFetridge (reviewed in Sections 2.1-2.4) resulted in the selection of BV-52 as the dredged material management area for the southern section of Reach V in Brevard County. Subsequently, an environmental characterization (Mosura 1993), permit drawings and an *Engineering Narrative*, and a site management plan (Taylor Engineering, Inc., 1993) were prepared for BV-52.

2.0 Alternatives

2.1 Introduction. Several dredged material management alternatives were considered for the St. Johns County portion of the IWW. The alternatives were evaluated in the context of a long-term dredged material management strategy intended to resolve the recurring conflicts between the engineering and operational requirements of channel maintenance and the environmental and land-use constraints imposed on dredged material placement and storage. Evaluation of alternative management strategies led to the adoption of three primary tenets to guide the long-term management strategy. These are:

a. Future dredged material management will be confined to upland areas to the maximum extent possible.

b. Centralized management sites will be established for each identified channel reach. Centralized sites will reduce the total acreage required for dredged material management and will reduce the proliferation of smaller dredged material management facilities, each with its own set of outlet works and attendant water quality considerations.

c. Dredged material management sites will be operated and maintained as permanent facilities in which dredged material will be actively managed and made

available for reuse.

2.2 History of Alternative Formulation. Dredged material management alternatives for the IWW in Brevard County were developed as part of the FIND's long-range dredged material management program. The alternative selected for Reach V, along with BV-40, must be able to handle 417,417 cubic yards of maintenance material, the projected 50-year material storage requirement. Throughout the alternative evaluation process, federal, state, and local regulatory issues were addressed through continued coordination with appropriate agencies via an interagency project advisory committee. The long-range dredged material program and alternative evaluation procedures, summarized in Section 1.7, are documented in Taylor and McFetridge (1989) and Taylor Engineering, Inc. (1989). The FIND also held public meetings to obtain input and to complete the preliminary site selection process (see Section 8.00).

2.3 Eliminated Alternatives. During the development of the St. Johns County long-range dredged material management plan, the following dredged material management alternatives were considered and eliminated.

2.3.1 Ocean Disposal. Ocean disposal of dredged material requires the use of deep draft ocean barges or hopper dredges. These vessels, because of their size, cannot operate in the relatively shallow depths of the IWW. Therefore, ocean disposal would require multiple handling of dredged material using shallow draft vessels or pumping in combination with seagoing barges. Limited ocean access within the project area would introduce significant increases in transport or pumping distances with associated increases in operational costs. Collectively, these requirements render ocean disposal impractical and prohibitively expensive.

2.3.2 Beach Placement. The sediments in this particular portion of the IWW contain significant amounts of fine, organic-rich materials (Taylor and McFetridge, 1989). Sediments in Reach V would therefore not be suitable for beach placement.

2.3.3 Open Water Placement with Habitat Restoration. Open water placement in artificial dikes followed by habitat restoration was the only form of open water placement that could be considered feasible in Brevard County. Should this alternative be considered for parts of Reach V, significant difficulties would be encountered, including the unproven

likelihood of success and the uncertainty of obtaining environmental permits and approval to use submerged state lands. Additionally, this alternative would require increasing acreages of submerged land for each dredging operation. These limitations preclude the use of this alternative as a long-term management strategy.

2.3.4 Other Upland Sites. Taylor and McFetridge (1989) evaluated a number of alternative upland disposal sites or DMMAs for Reach V of the IWW. Their evaluation was based on engineering, environmental, and cultural considerations using the following *Site Selection Process*.

Step 1		Step 2		Step 3
Initial Screening *using* Aerial Photos, National Wetlands Inventory Maps, and Field Verification	⇒	Examination of the Sites for Wetlands, Future Uses, Adjacent Properties, and Listed Historic Sites	⇒	Select Reasonable Sites(s) Based on Size, Location, Availability, Environmental Concerns, Adjacent Land Uses. Then Present to Corps

A total of six final candidate sites were evaluated by the FIND for the southern section of Reach V. A key factor in the evaluation process was pumping distance. (The Corps and the FIND have determined that pumping distances of six statute miles or less are acceptable for maintenance dredging operations.) The presence of wetlands was the most important environmental criterion used in the selection process. An otherwise acceptable site would be rejected if there was a suitable alternative with less or no wetlands present. The presence of federal and state protected species on the BV-52 property was resolved (see Chapter 4). All of the evaluated sites had a potential for eligible historic resources. The Corps would conduct detailed cultural resources investigations only on the selected site(s). If significant historic resources had been discovered, which was not the case with BV-52, the Corps may have re-evaluated the alternative sites. All of these candidate sites were eliminated from consideration, except BV-52, because the pumping distances were too far, they were either wholly or partly submerged, the deeds to the properties were too restrictive, or a combination of these factors (see Table 1, page EA-6).

Table 1. Alternative Upland Dredge Disposal Sites

SITE	Location & Pumping Distance (PD)	Size (acres)	Submerged Lands (Wetlands)	Other Comments
BV-22	City of Malabar, PD>6 miles	70	Small freshwater marsh and wet prairies	Actually lies just south of Reach V, too far
BV-50	1.7 miles NW of Turkey Creek, PD>6 miles	45	Wet prairies (34.5 acres)	Primarily wetlands
BV-51	1.0 miles SW of Melbourne, PD>6 miles	45	Wet prairie (4.0 acres)	Residential areas immediately east and west
BV-52	Adjacent to J.J. Conlan Blvd. & U.S. Hwy.1, PD<6 miles	19	No wetlands	Too small, near the IWW
BV-52 Plus	**Adjacent to J.J. Conlan Blvd. & U.S. Hwy. 1, PD<6 miles**	**26.3**	**No wetlands**	**An adjacent 7+ acre tract became available making the BV-52 site large enough, there are no major issues with this property**
BV-53	N of Palm Bay Blvd., PD>6 miles	53	No wetlands	Recently developed
BV-54	City of Palm Bay, PD>6	51	No wetlands	Deed restrictions, lies just south of Reach V

2.4 Description of Alternatives

2.4.1 No-Action Alternative. The DMMA, BV-52, would not be constructed for the disposal of dredged material from the IWW.

2.4.2 Construction of DMMA, Site BV-52. This alternative would consist of the construction of a containment basin on the BV-52 site. Dredged material resulting from maintenance operations within the southern section of Reach V of the IWW would be periodically placed within the basin. Actions associated with this alternative would include mitigating for unavoidable effects on significant wildlife resources, limiting construction to day-time only, and vegetative plantings to buffer aesthetic effects.

2.5 Alternative Analysis. The no-action alternative would eventually result in reduced capability to dredge certain reaches of the IWW where existing disposal areas are reaching capacity. Failure to maintain the IWW would result in navigation conditions that are unsafe. Although the boating public would be notified of shoaling conditions, safe navigation of the IWW would become increasingly difficult. This alternative would not provide long range maintenance of the IWW. Furthermore, the entire alternative site selection process for this reach of the IWW would need to be revisited. As there are no unresolved conflicts to date, the no-action alternative could not reasonably be selected over construction of DMMA BV-52.

2.6 Preferred Alternative. The DMMA, site BV-52, was determined to be the most suitable for long-range dredged material disposal along this reach of the IWW. The positive and/or adverse effects on important resources for the alternatives now under consideration are compared in the Alternatives Comparison Chart (Table 2, page EA-8).

TABLE 2: Alternatives Comparison Chart

RESOURCE	No-Action Alternative	Dredged Material Management Area BV-52 Construction
Surface Water Quality	No adverse effects are anticipated.	No adverse effects are anticipated.
Groundwater Quality	No adverse effects are anticipated.	Unlikely to have adverse effects as site design precludes impact. Wells will be installed to monitor groundwater quality.
Site Effects Physical & Environment	No adverse effects are anticipated.	Except for retained natural buffer, the site will be completely changed and managed; natural site succession will occur between dredged disposal events.
Safety	Existing site will remain littered by trash and debris.	Site will be cleaned, fenced and maintained to preclude littering.
Navigation	Boating safety could be compromised. Long range IWW maintenance compromised.	Site would provide 50 years of dredged material disposal capacity needed to maintain navigation on the IWW.
Florida Species of Special Concern	No adverse effects are anticipated.	Gopher Tortoise populations and associated wildlife affected; effects will be mitigated at a Wildlife Res. Mgt. Fund site(Sec. 4.4).
Federally Threatened & Endangered Species	Florida Scrub Jay habitat is naturally declining due to site succession. Eastern Indigo Snake unaffected.	Effects on Threatened Species will be appropriately mitigated. Plans & Specifications will require avoidance.

3.00 AFFECTED ENVIRONMENT

3.1 Introduction. The Affected Environment section briefly describes resources and relevant issues which will be, or have the potential to be, affected by the preferred alternative. The environmental issues that are relevant to the decision to be made are:

a. Surface Water Quality
b. Groundwater Quality
c. Physical and Environmental Site Effects
d. Safety
e. Navigation
f. Florida Species of Special Concern
g. Federally Threatened & Endangered Species

3.2 Historical Setting. In 1824 a "canal", now called the Atlantic Intracoastal Waterway, was first recommended as a transportation route to areas of Florida where overland transport was not practicable. Later, the IWW allowed the Army to protect new settlers in Florida from the Seminole Indians. The Army used the IWW to transport goods and men to forts along the waterway (Buker, 1975). It was created for coastal schooners having no more than a 5 to 6 foot draft. The waterways were constructed through estuarine areas with the dredged materials generally sidecast into emergent or mangrove wetlands. These spoil mounds can be seen, today, as prominent features on aerial photographs.

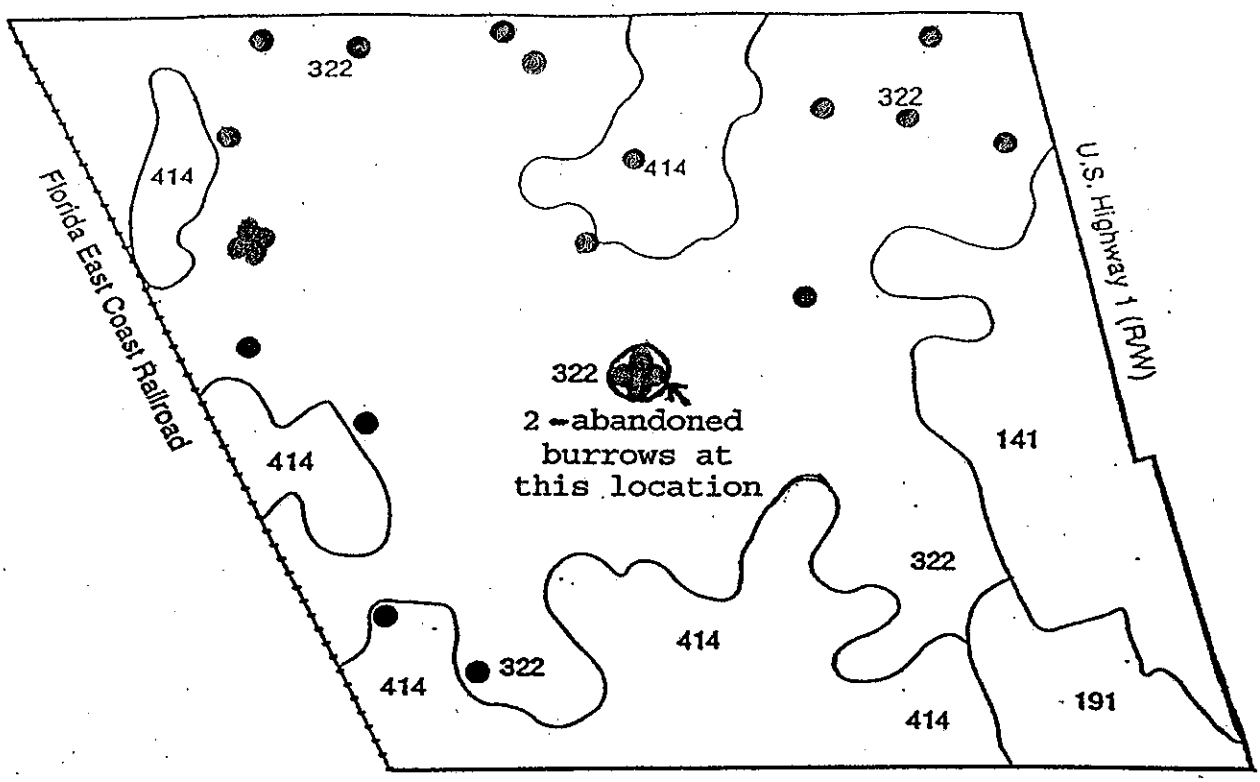
3.3 General Description. The DMMA, site BV-52, is a 26.33 acre site in the city of Palm Bay, 2 miles south on U.S. 1 from the intersection of U.S. highways 1 and 192 in Melbourne. Route 1 traverses the site's far eastern edge where an abandoned truck stop is on the highway's west side. The Indian River is east of the site while an abandoned industrial warehouse and grass field is wedged on its north side. The Florida East Coast Railroad marks and separates the sites western boundary from a natural area similar in size to BV-52. A small group of older single-family homes marks the site's southern limit.

3.4 BV-52 Physical and Environmental Site Characteristics. The western, southern and eastern (behind the former truck stop) portions of the site are densely vegetated by a mix of predominantly scrub oak and pine species. The site's west-central portion to its northern property boundary, supports a semi-open coastal scrub area; which, without vegetation management, would ecologically succeed to a stand of dense vegetation as well. The site has been used for illegal dumping of trash, appliances and construction debris,

particularly behind the former truck stop and along the site's southern boundary. Existing BV-52 vegetative, wildlife community and physical site characteristics are thoroughly addressed in the Environmental Site Documentation...Brevard County, BV-52(Mosura 1993).

3.5 Wildlife Resources. The gopher tortoise (*Gopherus polyphemus*) and the Florida scrub-jay (*Aphelocoma coerulescens*) occur on BV-52 (Mosura 1993). The gopher tortoise is listed by the state as a species of special concern, ie., a species likely to become threatened or endangered in the future. Numerous other species rely on either the burrows of the gopher tortoise or other aspects of its biology. The Florida scrub-jay is also a federally threatened species that has been observed on the site. A federally threatened species is one that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. On September 5 and 6, 1996, a Corps biologist inspected BV-52 to estimate the habitat's suitability to sustain these species, and to determine its ecological status and land-use relative to adjacent lands.

3.6 Florida Species of Special Concern - Gopher Tortoise (GT). The site inspection revealed that 24 active/inactive (a/i) and 2 abandoned GT burrows occur on the site. Most burrows are grouped along the site's west and northern boundaries. Nine (9) a/i burrows are located on the site's periphery and appear to be outside of the area to be directly affected by site construction (Figure 1). Although most of the site's interior appears marginally suitable for GT habitation, the tortoises may be attracted to the managed grass field north of the site, and to the moist, densely vegetated railroad right-of-way. Using the standard conversion factor of (0.614) for GT density to number of a/i burrows, 9 tortoises may be directly affected by the planned work. The contractor would be required to obtain a permit from the Florida Game and Fresh Water Fish Commission (FGFWFC) for the removal, incidental take, and/or relocation of this species, pursuant to Sections 39-25.002 and 39-27.002 of the Wildlife Code (Florida Administrative Code). Based on discussions with Florida Game and Freshwater Fish Commission personnel, the number of tortoise relocation sites in the project area is minimal. Furthermore, many tortoise populations in this area of Brevard County carry a potentially fatal virus which could be carried to uninfected populations at a relocation site. Because of this, the developed nature of the project area, and the lack of adequate onsite relocation acreage, an agreement was reached between the FGFWFC personnel and the FIND to preserve gopher



Approximate Gopher Tortoise Burrow —● Locations

LEGEND

141	Retail Sales and Services
191	Undeveloped Land within Urban Areas
322	Coastal Scrub
414	Pine - Mesic Oak

N

Scale in Feet

150 300

NOT TO SCALE

FIGURE - 1
GOPHER TORTOISE BURROW LOCATIONS

tortoise habitat through the establishment of a conservation easement at BV-24 (see Appendix II).

3.7 Federal Threatened and Endangered Species. Initial consultation with the US Fish and Wildlife Service (FWS) resulted in their recommendation that site BV-52 be resurveyed for Florida scrub-jay (FSJ) occurrence. A FSJ survey was conducted from September 25 to October 11, 1995 (Smith 1995). Based on survey information, it appears that FSJ habitat suitability on BV-52 is declining in relation to natural vegetative succession. According to information contained in the FSJ Survey, site succession is beginning to favor FSJ predators. The survey also indicated that a FSJ group consisting of 2 individuals did attempt to nest on BV-52 in 1995 but eventually established its primary territory on the natural parcel west of BV-52. Accordingly, the FWS determined that the proposed project is not likely to jeopardize the continued existence of the FSJ.

3.8 Water Quality. Other than wet weather conveyances, there are no flowing surface waters on the site.

3.9 Cultural, Historical, and Archeological Resources. A review of the Florida Master Site File revealed no recorded historical, cultural or archaeological resources within the site boundaries. It is, therefore, unlikely that significant cultural resources are located at BV-52.

3.10 Socioeconomic. The site is located in a developing urban\industrial area which includes a residential community to the south.

3.11 Navigation. The IWW is located in the Indian River approximately 3,800 feet east of BV-52. The majority of navigation along this reach of the IWW is recreational.

3.12 Recreation. The site is not open to the public for recreational use.

3.13 Aesthetics. Although site vegetation gives the site an overall attractive appearance, on closer inspection illegally dumped trash, appliances and construction debris seriously detract from the site's aesthetic appeal.

3.14 Air Quality. No significant sources of air pollution are located nearby. The area is wooded and adjacent areas are light commercial and residential.

3.15 Safety. The disposal site is posted for no trespassing

but is accessible to the public. Accordingly, individuals who may choose to trespass expose themselves to serious hazards from tripping and falling on rusted metal, construction debris and trash. These materials may also harbor insects and rodents which are disease vectors.

4.00 ENVIRONMENTAL CONSEQUENCES

4.1 Introduction. This section describes the probable consequences of implementing the preferred alternative on selected environmental resources. These resources are directly linked to the relevant issues listed in Section 1.4 that have served to fine-tune the environmental analysis. The following narrative includes predicted changes to the existing environment including both direct and indirect effects, irreversible and irretrievable commitment of resources, unavoidable effects, and cumulative effects.

4.2 BV-52 Physical Site Effects. Except for the natural buffer retained around the DMMA, the site would be completely changed. Section 1.1 briefly describes the site development phases.

4.3 BV-52 Environmental & Wildlife Resource Effects. During Phase I all vegetation would be removed from the site except for that reserved as a natural and aesthetic buffer. Wildlife using the site would be gradually displaced by site construction activities and would relocate to adjacent sites which may or may not sustain such individuals. Displaced individuals unable to find an unoccupied niche on adjacent sites may compete with resident species for the limited habitat, migrate to more distant sites with suitable habitat or succumb to pressures of competition and/or predation. Biological site productivity would be lowered during Phase I. Site clearing and grubbing, however, would result in a controlled and gradual site disturbance which would permit most wildlife species to at least escape immediate extirpation. During Phase II, dike construction would temporarily eliminate burrow and/or ground nesting opportunities beneath the dike's footprint. However, the dike itself may eventually be used for these activities once completed. There would be a lag time between Phase I and II, during which pioneer plant species would occupy the cleared/diked areas. As the site ecologically succeeds, one kind of plant and animal would be replaced by another until the community itself is replaced by another that is more complex (Smith 1974). This process would continue until the site is again physically modified by disposal and/or maintenance activities after which the above processes would essentially be repeated. During extended periods between

dredge material disposal events, this site would provide limited habitat for resident and migratory wildlife. The proposed recreational use of the property may further limit the recovery of vegetation. Project plans and specifications (P&Ss) would contain provisions to avoid effects on wildlife which may be encountered on this site. All wildlife species would be allowed to leave the construction site unmolested. Provisions would also be included to prevent effects on migratory birds and their nests and young.

4.4 Florida Species of Special Concern: Gopher Tortoise (GT) Effects. As the total acreage of BV-52 is not adequate to support a self-sustaining GT population after site development, a monetary contribution to the Wildlife Resource Management Fund (WRMF) would be made to purchase and manage land for GT populations to mitigate the GT habitat loss. Prior to site construction, a detailed GT survey would be done to determine the precise locations of gopher tortoise burrows to be affected. If this survey verifies that negative effects on GT burrows/habitat could be reduced by repositioning the DMMA, then this option should be considered and implemented to the degree possible. Nevertheless, based on initial survey results, the habitat to be affected by the work supports a density of 0.4 to 0.8 tortoises/acre. This density would require that the permit applicant preserve an area of tortoise habitat equal in size up to 15% of the occupied gopher tortoise habitat being affected by the project. Therefore, as the area of BV-52 to be directly affected is 18.88 acres, and approximately 1.5 acres of that are not suitable for gopher tortoise burrows, 17.38 acres of gopher tortoise habitat would be affected by project construction. Fifteen percent of this acreage is 2.6 acres. An agreement was reached between the FGFWFC personnel and the FIND to preserve 20 acres of gopher tortoise habitat through the establishment of a conservation easement at BV-24 (see Appendix II). This agreement satisfied the conditions of the Incidental Take Permit.

4.5 Federally Threatened (T) and Endangered (E) Species - The Florida Scrub Jay (FSJ). Barring a natural fire event which would restore BV-52 to an earlier successional stage, it is very likely that FSJ habitat suitability on this site would continue to naturally decline. Observations made during the FSJ survey appear to indicate that adjacent natural land west of BV-52 is the preferred habitat of the identified FSJ group. The work will be done in compliance with the Biological Opinion of the U.S. Fish and Wildlife Service. Project plans and specifications (P&Ss) will contain provisions to avoid or mitigate for unavoidable

effects on T&E species and other wildlife which may be encountered on this site.

4.6 Water Quality. Adequate erosion controls will be installed to control turbid storm water from discharging to surface waters during the construction phase. Pipelines will be constructed in order to conduct dredged material from the IWW to the DMMA. There will also be pipelines constructed that will allow saltwater from the DMMA to return to the IWW. A weir system will be installed within the basin to allow suspended sediments to settle out of the water before leaving the disposal areas. Monitoring wells will be installed to check for saltwater intrusion into the ground water.

4.7 Cultural, Historical or Archeological Resources. As stated above, there is a very low probability that significant cultural resources are likely to be present at BV-52. The use of BV-52 for dredged material management was reviewed for potential effects upon significant cultural resources. A search of the Master Site files did not locate any recorded sites in the study area. Should an archeological or cultural resource be located during site preparation, the Corps would coordinate with the appropriate agencies and comply with existing regulatory guidance. However, this determination must be coordinated with the Florida State Historic Preservation Officer (SHPO).

4.8 Navigation. The construction of this disposal area for the management of material dredged from the IWW would have long-term benefits to the maintenance of navigation along this reach of this waterway.

4.9 Florida Coastal Zone Management. The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act. It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Management Plan. In accordance with the 1979 Memorandum of Understanding and the 1983 Addendum to the Memorandum concerning acquisition of water quality certifications and other State of Florida authorizations, the Coastal Zone Management Consistency determination of no significant impact has been provided to the State (see Appendix I).

4.10 Recreation. The FIND has approved a joint use recreational park on this site to be constructed by the St. Johns River Water Management District and managed by the City of Palm Bay.

4.11 Aesthetics. Site construction would have a temporary adverse effect on aesthetic resources at the disposal site. An increase in noise and air pollution can be expected during the construction work. Existing vegetation around the exterior of the property would be left in place to act as a natural buffer to help screen the disposal site from view. The work would not only eliminate illegally dumped materials, but discourage future unauthorized dumping resulting in a positive improvement of site aesthetics.

4.12 Socioeconomic. There would be a short-term minor stimulus to the local economy from the contracting of equipment and labor and the sale of goods and services (fuel, food, lodging) in support of the construction. No socially significant activities would be altered by site development. Potential local gains could be obtained from the recovery and sale of harvested timber (firewood, etc.).

4.13 Air Quality. There could be a short-term increase in smoke and particulates if the vegetation is burned to dispose of cleared vegetation. Burn permits would be obtained from the appropriate government agencies. If state standards preclude on-site burning, the materials would be removed from the site and disposed of properly. Dust and fumes from the use of construction equipment will be temporary and minor in nature.

4.14 Safety. During disposal site construction the site would be intensively managed and all activities would be conducted according to an Occupational Health and Safety Plan. During this time unauthorized access would be strictly controlled, essentially eliminating the possibility of trespass and associated hazards. Upon project completion, the entire site would be enclosed with a security fence that would minimize the possibility of trespass and associated hazards. The availability and use of DMMA BV-52 will improve navigation safety by allowing regular maintenance dredging to the depth authorized in this reach of the IWW.

4.15 Cumulative Effects. When compared to the available land area bordering the length of the IWW, the selected site represents a minor percentage of the total acreage available. The construction of DMMA BV-52 would result in a minor long-term benefit through the preservation of environmentally-sensitive lands that may have been affected by construction of future single-use disposal sites.

4.16 Unavoidable Effects. Minor, temporary degradation of

on-site water quality may occur during construction of the dredged material management site. This effect would remain local in scope and would not affect state waters.

4.17 Irreversible and Irretrievable Commitments of Resources. Construction and on-going operation and maintenance of DMMA BV-52 would require the expense of time and resources, such as labor, energy, and project materials, purchased with federal financial contributions. Once used, these resources can not be recovered.

4.18 Relationship of Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity. The BV-52 site has been altered through man's activities, both for commercial development and by the dumping of trash and debris. The use of BV-52 for dredged material management may decrease the long-term biological productivity of the site. However, since the site is reusable, sites in the vicinity of BV-52 would not be needed for necessary dredged material disposal and management, thereby maintaining a somewhat higher level of productivity at those locations. The selection of this site for this purpose is the result of an extensive public review process. Its designation and short-term use as a DMMA acknowledges its institutional value by consensus. This designation will not diminish its overall long-term productivity.

5.0. LIST OF PREPARERS

NAME	DISCIPLINE	EXPERIENCE	ROLE IN PREPARING EA
William J. Lang	Biologist	18 years environmental impacts assessment	Biological Impact Assessment,
Paul E. Stodola	Biologist	8 years environmental impacts assessment	Updated EA, especially Sections 1.0 and 2.0
Janice Adams	Archeologist	11 years experience NEPA documentation,	Cultural Resources Analysis
Paul C. Stevenson	Landscape Architect	10 years landscape architect, field and design work	Aesthetic and Recreational Resource Analysis

6.00 SUMMARY OF COMPLIANCE WITH APPLICABLE ENVIRONMENTAL REQUIREMENTS.

6.1 Clean Air Act, as amended, 42 U.S.C. 7401 et seq. Any official of a federal agency having jurisdiction over any property or facility constituting an emissions source shall be subject to and comply with federal, state, interstate or local requirements respecting control and abatement of pollution. All federal projects, licenses, permits, financial assistance and other activities must conform to EPA approved or promulgated state implementation plans. The assurance of such conformity is an affirmative responsibility of the head of the federal agency involved. Sections 118, 176(c), and 309, 42 U.S.C. Executive Order 12088, Federal Compliance with Pollution Control Standards, 13 October 1978.

The only project-related sources of such emissions would be from the burning of materials cleared from the sites and vehicle emissions. All appropriate permits would be obtained prior to any burning.

6.2 Clean Water Act (Federal Water Pollution Control Act), as amended, 33 U.S.C. 1251 et seq. (PL 92-500). Any official of a federal agency having jurisdiction over any property or facility or engaged in any activity that may result in the discharge or runoff of pollutants shall be subject to, and shall comply with federal, state, interstate and local requirements, both substantive and procedural, respecting control and abatement of pollution. Federal agencies are not exempt from the requirement to obtain certification from the state or interstate agency for any discharge into navigable waters (except as provided in Section 404(r)). Executive Order 12088, 13 October 1978. EPA guidelines, 33 U.S.C. 1344b. CEQ Memorandum 17 Nov 80, guidance to apply Sec. 404(r) to a Federal project.

All state water quality standards would be met when dredging activities occur. The disposal site affected by site preparation consists of uplands. Therefore, a 404(b)(1) analysis under the Clean Water Act is not required.

6.3 Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq. Any activity that a federal agency conducts or supports that directly affects the coastal zone, and any development project in the coastal zone, shall be, to the maximum extent practicable, consistent with approved state management programs. NOAA Regulations, 15 CFR Part 930 revised 15 June 1979, 44 F.R. 37142.

It has been determined that the project would have no unacceptable effects and would be consistent with the Florida Coastal Management Plan (Appendix I). In accordance with the 1979 Memorandum of Understanding and the 1983 Addendum to the Memorandum concerning acquisition of water quality certifications and other state of Florida authorizations, the Environmental Assessment and the Coastal Zone Management Consistency Determination would be submitted to the state to show consistency with the Florida Coastal Zone Management Plan up to the stage of project planning.

6.4 Endangered Species Act (ESA) of 1973, as amended, 16 U.S.C. 1531 et seq. Federal agencies shall, in consultation with and with the assistance of the Secretary (Interior or Commerce), utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of listed endangered and threatened species and by taking such action as necessary to insure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species which the Secretary, after consultation as appropriate with the affected States, has determined to be critical.

The Corps initiated consultation under the ESA in June 1995 and received from the U.S. Fish and Wildlife Service a list of threatened and endangered species which frequent Brevard County. By letter dated June 17, 1997 the USFWS completed consultation resolving issues concerning the Threatened Florida scrub-jay. Appendix II contains ESA correspondence.

6.5 Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq. This project has been coordinated with the U.S. Fish and Wildlife Service (USFWS). A Coordination Act Report was not required for this project. This project is in full compliance with the Act.

6.6 National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq. PL 91-190, as amended. All federal agencies shall, in cooperation with State and local governments, and other concerned public and private organizations, use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

Environmental information on the project has been compiled and the Environmental Assessment is available for public review in compliance with 33 CFR Parts 335-338. These regulations govern the Operations and Maintenance of US Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged or Fill Material into Waters of the US or Ocean Waters. This public coordination and environmental assessment complies with the intent of NEPA.

6.7 **National Historic Preservation Act (NHPA) of 1966, as amended, 16 U.S.C. 470 et seq., as amended by PL 102-575, 2 Nov 92.** An archival and literature review, including review of the current National Register of Historic Places listing, and consultation with the Florida State Historic Preservation Officer (SHPO) has been conducted to determine if significant cultural resources are located within the area of impact for the proposed project. The District has determined that there will be no adverse impacts to any significant cultural resources at DMMA site BV-52. Coordination through Section 106 of the NHPA complies with this Act and with the Archeological and Historic Preservation Act, as amended.

6.8 **E.O. 12898, Environmental Justice.** The proposed action would not impact human health and would not substantially impact the environment. The impacts would not be disproportionately high towards minority or low-income populations. We are not aware of any use of the proposed project area for subsistence consumption of fish and wildlife. The proposed action would not impact such subsistence consumption if associated with the project area.

6.9 **E.O. 13089, Coral Reef Protection.** The proposed action would not affect U.S. coral reef ecosystems as defined in the Executive Order. The proposed action is in compliance.

6.10 **Executive Orders 11988 and 11990, respectively, Flood Plain Management and Protection of Wetlands.** The project complies with these E.O.s as the considered action preserves the natural and beneficial values of flood plains and wetlands through the complete avoidance of these resources.

7.00 References.

Buker, George E. 1975. *Sun, Sand, and Water, A History of the Jacksonville District, US Army Corps of Engineers, 1821-1975.*

Mosura, E. Lynn. June 1993. *Environmental Site Documentation for Proposed Dredged Material Management Areas in Brevard County, BV-52.*

Smith, Robert Leo. 1974. *Ecology and Field Biology, Second Edition.* Harper & Row, New York, N.Y., 849 pgs.

Smith, Lisa H. 1995. *Florida Scrub Jay Survey for the Dredged Material Management Facility Property - BV-52.* Prepared for the Florida Inland Navigation District by Smith Environmental Services, Cocoa, Florida.

Taylor, R.B. and W.F. McFetridge. 1989. *Long-range Dredged Material Management Plan for the Atlantic Intracoastal Waterway in Brevard County, Florida.* Prepared for the Florida Inland Navigation District by Taylor Engineering, Inc., Jacksonville, Florida.

Taylor, R.B., W.F. McFetridge, M.L. Cochrane. 1994. *Management Plan (for) BV-52 Dredged Material Management Area.*

US Fish and Wildlife Service. 1987. *Endangered and Threatened Species of Southeastern United States.* Region 4, Atlanta, Georgia.

8.00 COORDINATION WITH OTHERS

8.1 Introduction. This section provides information on how the development and planning of this proposed action was coordinated with concerned agencies and interested parties during the preliminary site selection process.

8.2 Preliminary Project Planning. The selection of primary and secondary dredged material management areas was initially coordinated by FIND. There were three (3) sources of input into the development of a long-term plan for the selection and management of these sites. The first source was a Technical Advisory Committee (TAC) comprised of representatives of the Corps, FIND, the Florida Department of Environmental Regulation (FDER), the Florida Department of Natural Resources (FDNR), and the Florida Department of Community Affairs (DCA). This committee met four (4) times

to discuss and review project plans and establish policy for future tasks.

Note: the Florida Department of Environmental Regulation (FDER) and the Florida Department of Natural Resources (FDNR) have merged and are now known collectively as the Florida Department of Environmental Protection (FDEP).

Second, plans for the development of long-term dredged material management areas were reviewed and comments solicited at the regularly scheduled public workshops and Board meetings of the Florida Inland Navigation District. These meetings are held monthly on a rotating basis in each of the eleven (11) Florida counties comprising the District. During the first phase of development of the plans for Brevard County, plans and progress reports were discussed at twenty (20) meetings:

Date	Location
March 10, 1989	Miami (Dade County)
November 10, 1989	Fort Lauderdale (Broward County)
January 26, 1990	Jacksonville (Duval County)
September 7, 1990	Ft. Pierce (St. Lucie County)
March 23, 1991	Palm Coast (Flagler County)
May 24, 1991	Palm Beach Shores (Palm Beach County)
June 17, 1991	Titusville (Brevard County)
June 22, 1991	Indian River Shores (Indian River County)
June 29, 1991	Indian River Shores (Indian River County)
July 26, 1991	St. Augustine (St. Johns County)
September 27, 1991	Jacksonville (Duval County)
November 8, 1991	Fort Lauderdale (Broward County)
January 24, 1992	Stuart (Martin County)
March 20, 1992	Ormond Beach (Volusia County)
April 25, 1992	Tampa (Hillsborough County)
May 22, 1992	Cocoa (Brevard County)
September 17-18, 1992	Miami (Dade County)
October 24, 1992	Fernandina Beach (Nassau County)
November 29, 1992	Vero Beach (Indian River County)

Finally, a series of public workshops were held to get public comment in Brevard County. The staffs of FIND and Taylor Engineering made an initial presentation before the Brevard County Board of County Commissioners on May 23, 1992, to introduce the FIND program of long-term dredged material management, and to advise the Board that efforts were underway to develop such a program for the IWW in

Brevard County. This was preceded and followed by a series of public hearings and public information workshops held for the citizens of Brevard County. These workshops were as follows:

Date	Location
August 20, 1991	Melbourne
August 26, 1991	Titusville
November 15, 1991	Melbourne
April 15, 1992	Melbourne
July 23, 1992	Merritt Island
September 24, 1992	Palm Bay
November 24, 1992	Melbourne

Input received from both the TAC and prior public meetings was incorporated into the information presented and discussed at the public workshops. (Source: Roach, D.K. 1996. Personal Communication. Florida Inland Navigation District. Jupiter, FL.)

A public notice (PN-BV-218) dated April 13, 1998, was issued for the project (Appendix II). Notices were mailed to appropriate local, state, and federal agencies as well as adjacent land owners and environmental groups.

APPENDIX I

FLORIDA COASTAL ZONE MANAGEMENT

CONSISTENCY DETERMINATION

1. Chapter 161, Beach and Shore Preservation. The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed work is not seaward of the mean high water line and therefore, would not affect shorelines or shoreline processes. Therefore, this chapter does not apply.

2. Chapters 186 and 187, State and Regional Planning. These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the state's future. It's purpose is to broadly define goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed work will be coordinated with the State by issuance of a public notice and environmental assessment.

3. Chapter 252, Disaster Preparation, Response and Mitigation. This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: Site BV-52 clearing and grubbing and disposal dike construction will serve to protect navigation on the Atlantic Intracoastal Waterway which could be used in emergency situations for transportation purposes. Therefore, this work would be consistent with the efforts of Division of Emergency Management.

4. Chapter 253, State Lands. This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: No state lands would be affected by the proposed work. The work was coordinated with the State Historic Preservation Officer (SHPO). The SHPO concurred that disposal site construction would have no effect on cultural resources.

5. Chapters 253, 259, 260, and 375, Land Acquisition. This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Areas used by the gopher tortoise and Florida scrub-jay on this site will be affected. Project effects will be mitigated as required by state and federal laws.

6. Chapter 258, State Parks and Aquatic Preserves. This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that directly or indirectly adversely impact park property, programs or management; natural resources or operations.

Response: The proposed work would not affect any parks or preserves, and would be consistent with this chapter.

7. Chapter 267, Historic Preservation. This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: A cultural resources site assessment has been conducted for the site. The results of this survey were coordinated with the SHPO. The SHPO concurred with the District's No effect determination by letter dated November 30, 1995. Therefore, the work will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism. This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The creation of disposal areas for the maintenance dredging of the IWW navigation channel encourages the development economic growth of the area. Therefore, the work would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation. This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The disposal area construction allows for the

continued maintenance dredging of the IWW navigation channel which promotes recreational navigation development in the area.

10. Chapter 370, Saltwater Living Resources. This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fisherman and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and the studies and research.

Response: The disposal area construction would not adversely affect saltwater living resources. Based on the overall effects of the work, the work appears to be consistent with the goals of this chapter.

12. Chapter 372, Living Land and Freshwater Resources. This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic. and economic benefits.

Response: The work would comply with the goals of this chapter as the completed work will not discourage use of this site by wildlife.

13. Chapter 373, Water Resources. This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described by this chapter.

14. Chapter 376, Pollutant Spill Prevention and Control. This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants.

15. Chapter 377, Oil and Gas Exploration and Production. This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other

petroleum products.

Response: This work does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore this chapter does not apply.

16. Chapter 380, Environmental Land and Water Management. This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The disposal area construction has been coordinated with the local regional planning commission. No adverse comments were received. Therefore, the work would be consistent with the goals of this chapter.

17. Chapter 388, Arthropod Control. This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The work would not further the propagation of mosquitoes or other pest arthropods.

18. Chapter 403, Environmental Control. This chapter authorizes the regulation of pollution of the air and waters of the state by the DEP.

Response: Effects of the operation of construction equipment on air quality would be minor. Burning permits will be obtained if the cleared vegetation is to be burned. Therefore, the work is complying with the intent of this chapter.

19. Chapter 582, Soil and Water Conservation. This chapter establishes state soil and water conservation policy through the Department of Agriculture. Land use policies will be evaluated based on a project's tendency to cause or contribute to soil erosion or to conserve, develop, and use soil and water onsite or on affected adjoining properties particularly on or near agricultural lands.

Response: The proposed work complies with this chapter.

APPENDIX II

PERTINENT CORRESPONDENCE

OCT 4 1995

Planning Division
Environmental Branch

Mr. George W. Percy
State Historic Preservation Officer
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Mr. Percy:

The U.S. Army Corps of Engineers, Jacksonville District, is studying the environmental effects of disposal area construction at a site identified as BV-52. The Jacksonville District and the Florida Inland Navigation District (FIND) propose to use BV-52 for disposal of material removed from the Intracoastal Waterway (IWW) during maintenance dredging activities.

This 25 acre property is located in township 28 south, range 37 east, sections 13 and 14 on the Melbourne East quadrangle map, west of U.S. 1 about 2 miles south of Melbourne Causeway, near Palm Bay in Brevard County. A location map is enclosed.

The majority of BV-52 is covered by pine-mesic oak and coastal scrub. Soils types at this property range from well-drained Paola and St. Lucie fine sand to poorly drained Myakka sand. A map of vegetation types and land use is also enclosed.

Ground disturbing activities associated with disposal area construction include clearing and removal of vegetation and trees, fence installation, construction of a dike and service road, and excavation of a ditch around the perimeter of the dike. Material for dike construction will be excavated from the interior of the disposal area.

We request information from your office regarding cultural resource investigations which have been conducted for the proposed disposal area, any known historic properties, and the probability that such properties might be located there. This

information is requested in compliance with the National Historic Preservation Act, as amended, and 36 CFR Part 800, *Protection of Historic Properties*. A written response is requested within 30 calendar days after receipt of this letter.

Sincerely,

A. J. Salem
Chief, Planning Division

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF HISTORICAL RESOURCES
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Director's Office
(904) 488-1480

Telecopier Number (FAX)
(904) 488-3353

November 30, 1995

Mr. A. J. Salem, Chief
Planning Division, Environmental Branc
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

In Reply Refer To:
Robin D. Jackson
Historic Sites Specialist
(904) 487-2333
Project File No. 953484

RE: Cultural Resource Assessment Request
Construction of Disposal Area BV-52
Township 28S, Range 37E, Sections 13 and 14
Brevard County, Florida

Dear Mr. Salem:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project(s) for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the *National Register of Historic Places*. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

The referenced U.S. Army Corps of Engineers Planning Division project has been reviewed by this agency. It is the opinion of this agency that because of the project location and/or nature the proposed project will have no effect on any sites listed, or eligible for listing, in the *National Register of Historic Places*. The project is also consistent with Florida's Coastal Management Program and its historic preservation laws and concerns.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Laura A. Kammerer

for George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Jrj

June 27, 1995

Planning Division
Environmental Branch

Mr. David J. Wesley
Field Supervisor
U.S. Fish and Wildlife Service
Suite 310
6620 Southpoint Drive South
Jacksonville, Florida 32216

Dear Mr. Wesley:

This is in reference to the construction of nine new Dredged Material Management Areas, listed below, in conjunction with maintenance dredging of the Intracoastal Waterway from Jacksonville to Miami.

a. V-25, 11th Street

b. V-21, Edgewater

c. FL-3, Palm Coast North

d. FL-8, Fox Cut

e. FL-12, Palm Coast South

f. BV-4B

g. BV-11, Merritt Island

h. BV-40

i. BV-52

Enclosed are the biological investigations for these projects. In accordance with Section 7 of the Endangered Species Act, please provide a list of those species which could be affected by this construction.

If you have any questions concerning this request, please do not hesitate to contact us.

Sincerely,

A. J. Salem
Chief, Planning Division

Enclosures

Copy Furnished:

Office of Protected Species, Department of Environmental Protection, ATTN: Mr. Patrick Rose, 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399